

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HERBERT LEE CAMPBELL,

Plaintiff,

v.

RICHARD G. KOPF, et al.,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

4:11CV3178

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion to Dismiss Case, which the court liberally construes as a Motion for Voluntary Dismissal, filed pursuant to [Federal Rule of Civil Procedure 41](#). (Filing No. [6](#).) In his Motion, Plaintiff requests that the court dismiss this matter "without delay." (*Id.*) Defendants have not been served with summons, and the court finds that voluntary dismissal is warranted under the circumstances.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss Case, construed as a Motion for Voluntary Dismissal, (filing no. [6](#)) is granted. Plaintiff's Complaint is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.
3. All pending motions are denied as moot.

DATED this 1<sup>st</sup> day of November, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.